

CALIFORNIA STATE PERSONNEL BOARD MEETING*
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

FULL BOARD MEETING MINUTES**

JANUARY 13, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

William Elkins, President
Ron Alvarado, Vice President
Sean Harrigan, Member
Anne Sheehan, Member
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Presented by Laura Aguilera, Interim Executive Officer

The Board was advised on the following:

- A. Governor Schwarzenegger has released his proposed 2004-05 budget, which includes changes to employees' annual retirement contributions (an increase of 1%) and a return to the pre-SB400 formula (tier two) for most new employees. The administration will establish a California Performance Review initiative to examine executive branch reorganization, program performance

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** The State Personnel Board Summary Minutes can be obtained at the following Internet address:
<http://www.spb.ca.gov/calendar.htm>

assessment and budgeting, improved services and productivity and acquisition reform. The administration has indicated that it will pursue a new Constitutional amendment to Article XXII to expand the State's ability to contract out for services. The Governor's budget proposes a \$600,000 (5.2 positions) General Fund reduction for the State Personnel Board (SPB) which will further limit the ability for SPB to provide services to non paying clients as well as to perform some of its constitutionally mandated functions.

- B. The 2000 U.S. Census Equal Employment Opportunity data is now available. We are awaiting the release of labor force data by the Department of Finance so that we can assist state agencies to complete their utilization analyses.
- C. Reports on civil service employees on Surplus, State Restriction on Appointment and Reemployment lists were provided to the Board.

3. REPORT OF CHIEF COUNSEL - Elise Rose

The Chief Counsel Reported on the following:

Litigation:

- A. Association of California State Attorneys and Administrative Law Judges v. Department of Personnel Administration (DPA) (consolidated cases) - Case is pending in Supreme Court. A State Personnel Board brief will be filed this week.
- B. State Personnel Board (SPB) v. DPA/California State Employment Association (post and bid) - Court of Appeal denied SPB's petition for rehearing in this case; SPB has until the end of this week to file a petition for review with the California Supreme Court.
- C. International Union of Operating Engineers v. SPB (Before Public Employment Relations Board) - SPB has until January 20, 2004 to file exceptions to the decision of the ALJ.
- D. Alameida v. SPB (Hall) - Superior court overturned Board's holding that appellant was not willfully disobedient in failing to disclose contact with parolee. The Board had held that delay in disclosure was

justified, as appellant was off work and did report upon returning to work. The Court found no justification for failing to report earlier. The Board sustained on other findings, but case was remanded for re-evaluation of discipline in light of Court's findings. SPB has not received a writ yet.

- E. Scheievelbein v. SPB/California Department of Transportation - Superior Court denied writ of mandate and affirmed Board's sustaining of rejection during probation. The Board had found a third performance report is not mandatory under the law, there was substantial evidence to support the reasons for the rejection and there was no fraud or bad faith on the part of the department.
- F. Beale v. SPB/Department of Justice - In a tentative ruling, superior court denied writ of mandate challenging Board's decision denying petitioner's request for retroactive appointment. Petitioner had argued that the invalidation of a promotional examination required her retroactive promotion, notwithstanding that she suffered no greater harm than others who were not promoted (i.e., she was not a victim of discrimination). The Board has discretion to determine the proper scope of corrective action where examination is found improper. The matter was argued after a tentative ruling and the judge took matter under submission.

Other

Chief Counsel scheduled to speak at Labor and Workforce Development Agency Chief Counsel's meeting today.

4. REPORT ON LEGISLATION

No report given

5. PERS UPDATE - Sean Harrigan

The Board was advised of the following:

- A. CalPERS Investment Fund Performance during the last calendar year reflected a return for the Public Employees' Retirement Fund of more than 15.8% as of November 30, 2003.

- B. CalPERS has participated in the national debate regarding accountability of boards of corporation owners. A national coalition of institutional investors, including CalPERS have asked the Securities and Exchange Commission (SEC) to heed the call of American investors for greater access to the proxy. CalPERS President Sean Harrigan, met with SEC Chairman Donaldson, to discuss concerns of the National Coalition on Corporate Reform and reform ideas.
- C. The Board continues to actively participate in the National Coalition on Health Care. The group has recently completed a comprehensive strategic plan to address the need for national health care reform.

BOARD ACTIONS

- 6. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF DECEMBER 16, 2003
ACTION: Adopted on January 13, 2004.
VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye
- 7. ACTION ON SUBMITTED ITEMS
(See Minute Pages 19)
These items have been taken under submission by the State Personnel Board at a prior meeting. This list does not include evidentiary cases, as those cases are listed separately by category.
- 8. EVIDENTIARY CASES
On January 13, 2004, the Board adopted by vote as indicated below, the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.
VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye.

- A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting.

ELEANORE CHASSEY, CASE NO. 03-1173
Appeal from five-days suspension
Administrative Law Judge I
Unemployment Insurance Appeals Board
ACTION: Five days suspension sustained.

RICHARD COELHO, CASE NO. 02-1796R
 Appeal from constructive medical termination
 Fish and Game Warden
 Department of Fish and Game
 NO ACTION

CYNTHIA GEORGE, CASE NOS. 02-4017 &
 03-1058
 Appeal from a two weeks and a
 three weeks suspension
 Administrative Law Judge
 Unemployment Insurance Appeals Board
 NO ACTION

B. CASES PENDING

- Oral Arguments
 These cases are on calendar to be argued at this
 meeting or to be considered by the Board in
 closed session based on written arguments
 submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

DOUGLAS ELINSON, CASE NO. 03-2271
 Appeal from suspension
 Disability Insurance Program Representative
 Employment Development Department
 ACTION: On January 13, 2004, the Board adopted a
 resolution amending its previous decision to include
 an award of back salary, interest and benefits.

PAMELA KING, CASE NO. 98-1586
 Appeal from Dismissal
 Correctional Officer
 California Youth Authority
 ACTION: On January 13, 2004, the Board adopted a
 resolution depublishing its precedential decision
 (SPB No. 99-11) in this matter.

- Court Remands
These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations
These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

EVA JENSEN, CASE NO. 02-0518R
Appeal from Dismissal
Registered Nurse (Safety)
Department of Mental Health
ACTION: On January 13, 2004, the Board adopted a resolution approving a stipulation for settlement.

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions
These are ALJ proposed decisions submitted to the Board for the first time.

RICK BLYTHE, CASE NO. 03-0315E
Appeal from discrimination and retaliation
Office Assistant
State Prison - Tehachapi
Department of Corrections
ACTION: Appeal denied.

CYNTHIA CHAIN, CASE NO. 02-4056E
Appeal from discrimination
Air Pollution Specialist
Air Resources Board
ACTION: Appeal denied.

DANIEL HARPER, CASE NO. 03-2226
Appeal from rejection during probationary period
Cook I (Correctional Facility)
Department of the Youth Authority
ACTION: Rejection during probationary period sustained.

ELIZABETH HERRERA, CASE NO. 03-2220
Appeal from constructive medical termination
Administrative Support Coordinator I
San José State University at San José
ACTION: Appeal dismissed. SPB lacks
jurisdiction.

CONNIE JOHNSON, CASE NO. 03-2620
Appeal from 30 calendar days suspension
Employment Program Representative
Employment Development Department
ACTION: Administrative Law Judge's proposed
decision rejected by Board. Board to decide
case itself.

PAUL KEWALLAL, CASE NO. 03-2188
Appeal from Official Reprimand
Registered Nurse
North Kern State Prison
Department of Corrections
ACTION: Official reprimand sustained.

DEBRA KIRK, SPB Case 03-2946
Appeal from dismissal
Psychiatric Technician Assistant
Department of Developmental Services
ACTION: Dismissal sustained.

NEIL MADDEN, CASE NO. 03- 1682
Appeal from five percent reduction
in salary for three months
Correctional Officer
Centinela State Prison - Imperial
Department of Corrections at Imperial
ACTION: Administrative Law Judge's proposed
decision rejected by Board. Board to decide
case itself.

JAMES D. McCULLOUGH, CASE NO.03-2105
Appeal from dismissal
Computer Operator
Office of the State Controller
ACTION: Dismissal modified to five working days
suspension.

CHRISTOPHER M. MCGANN, CASE NO. 03-2531
Appeal from suspension for twenty five workdays
Motor Vehicle Field Representative
Department of Motor Vehicles
ACTION: Twenty-five working days suspension
modified to five working days suspension.

ALLEN MILLER, CASE NO. 03-2099
Appeal from 20 days suspension
Employment Program Counselor
Employment Development Department
ACTION: Suspension revoked.

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five percent reduction in
salary for six months
Special Agent
Department of Corrections
ACTION: Administrative Law Judge's proposed
decision rejected by Board. Board to decide
case itself.

JOE ORDONEZ, CASE NO. 03-2723
Appeal from Official Reprimand
Correctional Officer
Avenal State Prison
Department of Corrections
ACTION: Official reprimand sustained.

PAULA ROHLAND, CASE NO. 03-0687
Appeal from 30 working days suspension
Correctional Officer
State Prison - Lancaster
Department of Corrections
ACTION: Suspension sustained.

DIANA D. SMITH, CASE NO. 03-0904
Appeal from demotion from the position
of Facility Captain to the position of
Correctional Counselor II-Specialist
California Institution for Men - Chino
Department of Corrections
ACTION: Demotion revoked.

- Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

FRANK OLIVAS, CASE NO. 02-3390
Appeal from demotion
Correctional Sergeant to
Correctional Officer
Blythe - State Prison
Department of Corrections
ACTION: Demotion sustained.

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

FRIEDERICH GARST, CASE NO. 03-08530
Appeal from denial of request for
Reasonable Accommodation
Associate Tax Auditor
Board of Equalization
ACTION: Petition for rehearing filed by
appellant denied.

JOHN RAMIREZ, CASE NO. 02-4397P
Appeal from 30 calendar days suspension
Correctional Officer
Tracy - Vocational Institution
Department of Corrections
ACTION: Petition for Rehearing filed by
appellant denied.

YVONNE AND HOWARD YOUNG,
CASE NOS. 03-1644P & 03-1890P
Appeal from ten percent reduction
in salary for twelve months
Fire Captain and Correctional
Sergeant, respectively
Pleasant Valley State Prison - Coalinga
Department of Corrections
ACTION: Petition for rehearing filed by
respondent denied.

• Whistleblower Notice of Findings

The Board will vote to grant or deny a petition
for rehearing filed by one or both parties,
regarding a Notice of Findings issued by the
Executive Officer under Government Code, section
19682 et seq. and Title 2, California Code of
Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of
transcripts, briefs, or the setting of oral
argument before the Board.

DORYANNA ANDERSON-JOHNSON, CASE NO.00-1687
Appeal from denial of reasonable accommodation
Correctional Lieutenant
California Rehabilitation Center - Norco
Department of Corrections
NO ACTION

SAMUEL BRYANT, CASE NO. 00-4238
Appeal from dismissal
Youth Correctional Officer
Department of Youth Authority
NO ACTION

RANDALL DODSON, Case No. 03-1587
Appeal from non-punitive termination
Caltrans Equipment Operator I
Department of Transportation
NO ACTION

RAYMOND ERNANDEZ, CASE NO. 01-4251
Appeal from five percent reduction in
salary for six months
Correctional Officer
California Institution for Men - Chino
Department of Corrections
NO ACTION

FRANK GARCIA, CASE NO. 03-1906
Appeal from Dismissal
Caltrans Highway Maintenance Worker
Department of Transportation
NO ACTION

CYNTHIA GEORGE, CASE NO. 03-2494
Appeal from suspension
Unemployment Insurance Appeals Board
NO ACTION

VALERIE GODFREY, CASE NO. 98-1070R
Appeal from dismissal
Youth Correctional Counselor
Department of Youth Authority
NO ACTION

DONALD HERMANS, CASE NO. 03-0384
Appeal from dismissal
Correctional Officer
California State Prison - Lancaster
Department of Corrections
NO ACTION

THEODORE HUGHING
Appeal from demotion
Termination/Demotion/Transfer
Food Service Supervisor I
Department of Developmental Services
NO ACTION

MARY HUTTNER, CASE NO. 02-1690
Appeal from demotion
Staff Services Manager I to the
position of Associate Health Program
Advisor (top step)
Department of Health Services
NO ACTION

MAMIE JONES, CASE NO. 02-4441
Appeal from ten percent reduction in
Salary for five months
Dispatcher Clerk
Department of Transportation
NO ACTION

PAUL H. KEMP, Case No. 01-2841
Appeal from dismissal
Teacher Assistant - Youth Correctional
Reception Center and Clinic - Sacramento
Department of the Youth Authority
NO ACTION

YVETTE MACK, CASE 03-0453
Appeal from 20 work days suspension
Administrative Support Coordinator I
CSU - Dominguez Hills
NO ACTION

FRANK OLIVAS, CASE NO. 02-3390
Appeal from demotion
Correctional Sergeant to
Correctional Officer
Blythe - State Prison
Department of Corrections
NO ACTION

NANCY SEARS, CASE NO. 02-2444
Appeal from two step reduction in
salary for 12 months and transfer/
reassignment
Parole Agent I (Adult Parole)
Department of Corrections - Sacramento
NO ACTION

ELANGO VAN SITTRAMBARAM, CASE NO. 03-2401
Appeal from suspension for six months
Student Administration Technical
Programmer/Analyst
California State University - Long Beach
NO ACTION

NANCY VALENTINO, CASE NO. 03-0699
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services
NO ACTION

ALICE VAN-THU, CASE NO. 03-0413
 Appeal from automatic resignation
 Administrative Support Coordinator I
 CSU - San Jose
 NO ACTION

BOBBY WANG, CASE NO. 02-2684
 Appeal from dismissal
 Motor Vehicle Field Representative
 Department of Motor Vehicles
 NO ACTION

BEVERLY WILSON, CASE NO. 03-1150
 Appeal from dismissal
 Administrative Support Assistant II
 California State University
 NO ACTION

10. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
 SECTION 18671.1 EXTENSION
 (See Minutes Pages 22-23)

11. NON-EVIDENTIARY CASES

- A. WITHHOLD APPEALS

On January 13, 2004 the Board adopted the following decisions presented by Laura Aguilera, Interim Executive Officer, California State Personnel Board. VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye

MICHAEL BRANSHAW, CASE NO. 03-0615
 Classification: Correctional Officer
 Department of Corrections
 ACTION: DENIED

WILLIAM DUNDES, CASE NO. 03-0641
 Classification: Correctional Officer
 Department of Corrections
 ACTION: DENIED

WILLIAM FOSTER, CASE NO. 03-0721
 Classification: Correctional Officer
 Department of Corrections
 ACTION: DENIED

STEWART GEORGEON, CASE NO. 02-2869
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

PEDRO GRAJEDA, CASE NO. 03-0339
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JUAN IBARRA, CASE NO. 03-0746
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

REGINALD JOHNSON, CASE NO. 03-1051
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CHRISTOPHER LAMBERT, CASE NO. 03-1050
Classification: Correctional Officer
Department of Corrections
ACTION: Retracted from agenda by State
Personnel Board staff, not for Board
consideration.

RICHARD LANDERS, CASE NO. 03-1055
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

SERAFIN LOPEZ, CASE NO. 03-1049
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

AMANDA MUNOZ, CASE NO. 03-1057
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOSHUA OCHOA, CASE NO. 03-0196
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

FELIPE RODRIGUEZ, CASE NO. 03-0402
 Classification: Cadet, CHP
 California Highway Patrol
 ACTION: DENIED

CARL SELORIO, CASE NO. 03-0151
 Classification: Correctional Officer
 Department of Corrections
 ACTION: DENIED

BILLY WILLIAMS, CASE NO. 02-3684
 Classification: Correctional Officer
 Department of Corrections
 ACTION: DENIED

B. REQUEST TO FILE CHARGES CASES - NONE
PETITION FOR REHEARING CASE

On January 13, 2004 the Board adopted the following decisions presented by Laura Aguilera, Interim Executive Officer, California State Personnel Board. VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye

(Petition for Rehearing)

EDMOND BAKER, CASE NO. 02-4353P
 Classification: Correctional Officer
 Department of Corrections
 ACTION: DENIED

C. PSYCHOLOGICAL SCREENING CASES

On January 13, 2004 the Board adopted the following decisions presented by Laura Aguilera, Interim Executive Officer, California State Personnel Board. VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye

DEREK HARRISON, CASE NO. 03-3387
 Classification: Correctional Officer
 Department of Corrections
 ACTION: GRANT

GLAFIRA MALDONADO, CASE NO. 03-3388
 Classification: Medical Technical Assistant, CF
 Department of Corrections
 ACTION: GRANT

JEFFREY TALLEY, CASE NO. 03-3456
Classification: Correctional Officer
Department of Corrections
ACTION: GRANT

12. NON-HEARING CALENDAR

On January 13, 2004, the Board adopted item A. This item was presented by Karen Coffee, Merit Employment and Technical Resources Division Chief, California State Personnel Board. VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye

A. CHIEF INVESTMENT OFFICER, CHIEF ACTUARY, SENIOR INVESTMENT OFFICER (Global Equities, Fixed Income, Alternative Investments, Real Estate and Asset Allocation/Risk Management), SENIOR PORTFOLIO MANAGER (Global Equities, Fixed Income, Alternative Investments, and Real Estate), PORTFOLIO MANAGER (Global Equities, Fixed Income, Alternative Investments and Real Estate), INVESTMENT MANAGER (Asset Allocation/Risk Management)

13. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE PRESENTED

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) ASSISTANT DEPUTY DIRECTOR,
PROCUREMENT DIVISION
The Department of General Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director, Procurement Division is responsible for policy development focused outward, on the contracting

activity that is conducted by state agencies under delegation by the Procurement Division.

- (2) GENERAL COUNSEL
The California Earthquake Authority proposes to allocate the above position to the CEA category. The General Counsel is responsible for all legal components for all the California Earthquake Authority functions and supporting policy, including finance, operations, non-insurance program activities, marketing, and public and policy holder outreach and education.
- (3) PROJECT DIRECTOR, SYSTEM INTEGRATION DIVISION, UNEMPLOYMENT INSURANCE MODERNIZATION PROJECT
The Health and Human Services Data Center proposes to allocate the above position to the CEA category. The Project Director, System Integration Division, Unemployment Insurance Modernization Project is responsible for the daily operation and oversight of the redesign, testing, and implementation of the Employment Development Department's Unemployment Insurance Modernization Project.
- (4) DEPUTY DIRECTOR, OFFICE OF PROBLEM GAMBLING
The Department of Alcohol and Drug Problems proposes to allocate the above position to the CEA category. The Deputy Director, Office of Problem Gambling is responsible for the strategic and policy setting function for the effective management, planning, direction, and oversight of activities related to the creation and ongoing operation of the Office of Problem Gambling.
- (5) MEDICAL DIRECTOR, COALINGA STATE HOSPITAL

The Department of Mental Health proposes to allocate the above position to the CEA category. The Medical Director, Coalinga State Hospital is responsible for establishing, implementing and monitoring all medical treatment programs and services within the facility, including establishing medical and clinical policy/procedures for hospital implementation.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) INFORMATION SECURITY OFFICER
The employment Development Department's request to establish the above position to the CEA category has been disapproved effective November 25, 2003.
- (2) CHIEF, BOARDS AND COMMISSIONS
The State Treasurer's Office has withdrawn their request to establish the above position to the CEA category effective November 12, 2003.
- (3) CHIEF, BOARDS AND COMMISSIONS
The Employment Development Department on behalf of the Labor and Workforce Agency has withdrawn their request to establish the above position to the CEA category effective November 12, 2003.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).
4. PSC NO. 03-04
Appeal of the California Department of Education and McGuire School of Law from the Executive Officer's April 30, 2003, disapproval of a contract for special education mediation conferences and due process hearings. (Hearing held October 7, 2003).

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJs) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on January 13, 2004.

VOTE: Elkins, Alvarado, Harrigan, Sheehan, Tom - Aye.

LAURA AGUILERA
Interim Executive Officer
California State Personnel Board

